(23)

HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P. (S) No. 2277 of 2007

Petitioner		Narayan Lal, S/o Punuram Devdas, Aged about – 35 years, R/o – Village Gullu, Tahsil, Arang, Distt. – Raipur (C.G.)
	Versus	
Respondents	1.	Ramkumar S/o Sirbhu Kotwar, Aged about – 40 years, R/o – Village Gullu, Tahsil Arang, Distt. – Raipur (C.G.).
	2.	State of Chhattisgarh, Through Revenue Secretary, D.K.S. Bhawan, Raipur (C.G.)
	3.	Board of Revenue, Chhattisgarh, Circuit Court, Raipur.

SB: Hon'ble Mr. Justice **Satish K. Agnihotri**

Shri C. R. Sahu, Advocate for the petitioner.

Shri Ajay Dwivedi, Panel Lawyer for the respondent No.2.

ORDER

(Passed on this 12th day of April, 2007)

1. This petition under Article 226/227 of the Constitution of India, seeks a writ/direction to pass appropriate order directing the respondents to consider the case of the petitioner for appointment as Kotwar in village Gullu.
2. The authorities below have considered the fact that the respondent No.1 was appointed as Kotwar of village Gullu by Tahsildar vide order dated 8.6.2000 on regular basis. The order was passed after hearing both the parties. The petitioner did not raise any objection immediately, but after a period of 3½ years the petitioner filed an appeal before the Sub Divisional Officer, Raipur on 31.3.2004, The Sub Divisional Officer having been satisfied with the explanation for delay, allowed the appeal vide order dated 9.3.2005.
3. Being dissatisfied with the said order, the respondent No.1 preferred an appeal before the Additional Collector, the Additional Collector after having examined the reasons for delay came to the conclusion that the

appeal filed before the Sub Divisional Officer was not maintainable. Thus, vide order dated 5.10.2005, passed in Case No. 39/A-56/2004-2005, allowed the appeal and set aside the order dated 9.3.2005 passed by the Sub Divisional Officer.

4. Thereafter, the petitioner had preferred a revision against the order dated 5.10.2005 passed by the Additional Collector. The Board Revenue in its order dated 15.12.2006, passed in Appeal No. 28/A-56/2005-2006, after having considered all the facts came to the conclusion that the petitioner did not prefer any appeal in time, as the petitioner had gone Nagpur for employment. This cannot be a satisfactory ground for condonation of delay, as by the time the appeal before the Sub Divisional Officer was filed, the respondent No.1 has settled himself as Kotwar. Thus, the Board of Revenue vide its order dated 15.12.2006 (Annexure P/1) confirmed the order dated 5.10.2005 passed by the Additional Collector, Raipur and rejected the revision.

5. I have heard learned counsel appearing for the petitioner as well as learned counsel appearing for the State/Respondent and perused the pleading, and the judgment and order passed by the Board of Revenue. The petitioner has not filed the orders passed by other authorities below.

6. It is well settled principle of law that this Court while exercising its jurisdiction under Article 226 of the Constitution of India has limited jurisdiction to the extent of reviewing the case, in the event, there is perversity, irregularity or illegality in the process of decision, not in the decision itself. On careful perusal of the order passed by the Board of Revenue, it appears that there is no infirmity or illegality in the order impugned herein.

7. In view of the foregoing, the petition is dismissed, summarily.

Sd/-
Satish K. Agnihotri
Judge